



Central Intelligence Agency
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George V. Lauder
Director, Public Affairs

31 July 1985

John:

Herewith a copy of the draft letter I mentioned to you on the phone.

Thanks for listening to our concerns; I'll be looking forward to seeing what TV GUIDE publishes on the subject of patriotism.

[Redacted]
George V. Lauder

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Page Denied

Next 2 Page(s) In Document Denied

30 July 85

Terrorists on Tape

EVERYONE WOULD like to see the Beirut TWA hijackers brought to justice. In an effort to pin down their identity, the Justice Department has issued subpoenas to television networks seeking access to all their videotape of the event, whether or not the tape was actually used on the air. A lot of delicate negotiating has been under way concerning the extent of the material to be turned over from the unused material. The networks' hesitation and bargaining, however, should not be interpreted as a sign that they are out to sabotage the government's efforts.

Material that has been broadcast is already in the public domain. Tapes that have not been put on the air, like a reporter's notes that are not used in a story, are not generally accessible. Traditionally, the media want to retain control over this material, and for good reason. If the government can routinely sift through unpublished notes or videotape outtakes, then news gatherers will be seen as an arm of the law and have more difficulty gaining interviews and filming sensitive situations. The result would be to impair the flow of information to the media and the public.

This concern is not at stake to the same extent in all situations involving media material. It is less vital to protect film taken at an open event than it is to protect material identifying confidential sources. A whistle blower who is afraid of being fired or a crime witness scared of retaliation must be confident that his name will not appear in a story or his picture in a broadcast—and that the media are not powerless to protect that information. But there are no confidential sources involved in the Beirut hijacking situation, and the networks recognize the strong public interest in prosecuting terrorists.

The networks are not trying to protect the identity of the hijackers. They are simply concerned that, in cooperating on this case, they do not set a precedent conceding the government's right to go through notes and unaired film whenever that would be convenient. The networks quite reasonable are trying to provide the Justice Department with the material that might help identify the hijackers, without giving ground on principles that are important to the ability to gather news freely.